IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

REVIEW PETITION (STAMP) NO.6620 OF 2005

In

WRIT PETITION NO.2776 OF 2000

The State of Maharashtra : Petitioner

V/s.

Shri Dattatraya G. Wankar & Ors. : Respondents

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Mr.V.A.Gangal, Special Counsel, with Mr.N.P.Deshpande and Mr.S.S.Deshmukh, Asstt. Govt. Pleaders, for the petitioner.

Ms Poonam Mahajan for the respondents.

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CORAM : DR.S.RADHAKRISHNAN & S.A.BOBDE,JJ.

DATE : JULY 22, 2005.

P.C.:

1. The learned Special Counsel for the petitioner undertakes to get the Review Petition numbered within a week.

2. Heard the learned counsel for the petitioner and the respondents.

3. By this Review Petition, the petitioner is seeking review of our judgement and order dated 30.11.2004 passed in Writ Petition no.2776 of 2000.

4. Mr.Gangal, the learned counsel for the petitioner, pointed out that as far as paragraph 8 of our judgement is concerned, we have mentioned that the respondents were in the process of merging both the aforesaid cadres of Assistant Engineer(I) and Sub-divisional Engineer into one. He submits that factually this is incorrect and that there is no process of such a merger.

5. However, we have not based our judgement on the basis of the said statement. In paragraph 5 of our judgement, we have mentioned that there is no dispute between the learned counsel for the petitioner and the learned Additional Government Pleader that in both the cadres i.e. Assistant Engineer Grade (I) and Sub-Divisional Engineer, the basic qualification is that they should be Graduates in Engineering and also that there is no dispute that both the categories have identical functions and powers and also that both the categories have identical pay scale. Similarly, in paragraph 11 also, we have observed that both the learned counsel for the petitioners as well as the learned Additional Government Pleader categorically

sate that there is absolutely no difference with regard to the basic qualification, salary, function and powers in both the above cadres. We had decided the above petition based on the above submissions, in addition to two Supreme Court judgements which were referred to in paragraphs 6 and 7 of our judgement.

6. Today, Mr.Gangal, the learned Special Counsel appearing on behalf of the petitioner clearly states that there is no difference in the basic qualification with regard to both the cadres i.e. they must be Graduates in Engineering. He also does not dispute that there is no difference in pay scale. However, he points out the difference with regard to the extent of power in the sense that the Sub-divisional Engineer can accept tenders upto Rs.75,000/- whereas the Asstt. Engineer Grade I can accept tenders upto Rs.1,25,000/-. He also submits that the Asstt. Engineer Grade-I has unlimited power to approve bills and sanction them. However, the learned counsel for the respondents strongly disputes the same and submits that both the cadres are interchangeable and that they are being interchanged also.

7. It is pertinent to note that in the review petition, the petitioner has not disputed to what we have stated in

paragraphs 5 and 11 of our judgement which we have referred to hereinabove.

8. Under the aforesaid facts and circumstances, we do not find any apparent error in our judgement necessitating a review. Hence, the Review Petition stands dismissed.

Sd/-

DR.S. RADHAKRISHNAN, J.

Sd/-

S.A. BOBDE, J.